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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,015

09/12/2003

Todd D. Gatts

9407-7

6792

7590 09/24/2007
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627

EXAMINER

FAULK, DEVONA E

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,015

Applicant(s)

GATTS, TODD D.

Examiner

Devona E. Faulk

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12, 17, 18 and 24-30 is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/29/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/29/2007 have been fully considered but they are not persuasive regarding the 112 rejection.
2. Applicant's arguments, filed 6/29/2007, with respect to the 101 rejection set forth in the previous office action have been fully considered and are persuasive. The 101 rejection of claims 19-30 has been withdrawn.
3. Regarding the 112 rejection set forth in the previous office action, the applicant directs the examiner's attention to Figures 1B and 1C as support for the recited language of "wherein the time-changed audio information occurs closer in time to the second audio information than the first audio information". The examiner disagrees. Figures 1B and 1C do not clearly support the above mentioned claim language because it is not clear what reads on time-expanded audio and what reads on first audio information and second audio information. The examiner asserts that a 112 issue still exists with claims 1-6,13-16,19-23, but is now applying a 112 rejection under 112 1st.
4. Claims 7-12,17,18 were indicated as allowable and remain in allowable form.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1-6,13-16,19-23 recite "wherein the time-changed audio information occurs closer in time to the second audio information than the first audio information". The specification discloses, on page 7, line14-page 8, of time-

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expanding the audio information to produce a time-changed audio information but there is no disclosure that the audio information occurs closer in time to the second audio information.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6,13-16,19-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1-6,13-16,19-23 recite "wherein the time-changed audio information occurs closer in time to the second audio information than the first audio information". The specification discloses, on page 7, line14-page 8, of time-expanding the audio information to produce a time-changed audio information but there is no disclosure that the audio information occurs closer in time to the second audio information. Figures 1B and 1C fail to identify what is the time-changed audio and what is the first and second audio information. The language as recited does not comply with the written description.

Allowable Subject Matter

8. Claims 7-12,17,18,24-30 are allowed.

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Regarding claims 7,8,17,18,24,25 and 30 the prior art Mahmoud (US 4,882,743) discloses a multi-location videoconference system. Prior art Davis (US 5,454,041) discloses a mix-minus monitory system. Prior art Elliot et al. (US 2004/0180641) discloses a variable delay radio receiver. Prior art Moeller et al. (US 6,353,632) discloses video processing system with real time program duration compression and expansion. Regarding claims 7,8,17,18,25,26, the prior art or combination thereof fails to disclose or make obvious combining the time-changed audio information with second audio information that is responsive to the first audio information to provide broadcast audio information wherein a difference between the first time interval and the second time interval is based on a delay between a transmission time at which the first (or second) audio information is transmitted from a source to a destination and a reception time at which the first (or second) audio information is received at the destination.

Regarding claim 24 the prior art or combination thereof fails to disclose or make obvious computer readable program code configured to determine that the first time- changed audio information and the second audio information occur during an overlapping time interval; and computer readable program code configured to change the second audio information comprises computer readable program code configured to time-compress the second audio information to occur in the fourth time interval that is greater than the third time interval.

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Regarding claims 9 and 27, the prior art or combination thereof fails to disclose or make obvious combining the time-changed audio information with second audio information that is responsive to the first audio information to provide broadcast audio information wherein a difference between the first time interval and the second time interval is based on a first delay between a first transmission time at which the first audio information is transmitted from a source to a destination and a first reception time at which the first audio information is received at the destination and further based on a difference between the first time interval and the second time interval is based on a second delay between a second transmission time at which the second audio information is transmitted from the destination to the source and a second reception time at which the second audio information is received at the source.

Therefore the prior art or combination thereof fails to disclose or make obvious a method of processing audio information for broadcast to an audience as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848.

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The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF



VIVIAN CHIN
SUPERGRANT PATENT EXAMINER
TEL. NUMBER 571-273-2300

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